

## **Historic, archived document**

Do not assume content reflects current scientific knowledge, policies, or practices.



ahD211  
.D3L3

Soil Conservation Service

Farmers Home Administration

LAND USE PLANNING  
ASSISTANCE AVAILABLE  
FROM  
THE USDA IN DELAWARE

Cooperative Extension Service

U.S. Forest Service working in cooperation with the  
State Forester

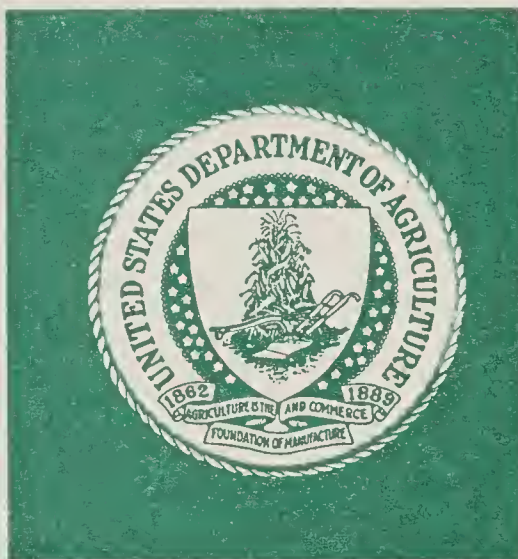
Agricultural Research Service

Agricultural Stabilization and Conservation Service

AD-33 Bookplate  
(1-63)

**NATIONAL**

**A  
G  
R  
I  
C  
U  
L  
T  
U  
R  
A  
L**



**LIBRARY**

## INTRODUCTION

The United States Department of Agriculture offers many programs and services to individuals, groups, organizations, cities and towns, and county and state governments. These programs are of benefit to land use planners because they furnish inventory data on natural resources - soil, water, and the plants and animals occurring on the surface of land areas - and make available a wide range of advisory, financial, or technical assistance.

The Department's long established programs were originally designed to meet the needs of the Nation's farmers and ranchers. Because of the demand for similar services in non-farm and urban sectors in recent years, some of the Department's programs have been expanded to serve individuals residing and groups working in those areas. Typical on-site or consulting services provided in these areas include site planning for schools, hospitals, and landfills; conservation and development of water supplies; flood control and drainage; establishment and maintenance of parks, forests, shade tree plantings, and outdoor recreation areas; sediment control; protection of trees from insects and diseases; retention of open space, greenbelt areas, and scenery; preservation of wilderness areas; shore erosion control; and development of favorable habitats for fish and wildlife. Trained specialists within the Department, working cooperatively with existing state and county organizations, can provide the technical know-how to solve these and other land use problems.

After reviewing the available programs listed in this booklet, you may wish to call or visit your local county, state USDA, land grant university, or conservation district office for more specific information. Many publications of general interest are available from all of the USDA agencies upon request.



Samuel M. Gwinn  
Chairman, Resource Development  
Committee



Otis D. Fincher  
Chairman, Land Use Planning  
Sub-committee

U. S. DEPT. OF AGRICULTURE  
NATIONAL AGRICULTURAL LIBRARY

MAY 12 1977

CATALOGING



## TABLE OF CONTENTS

	Page
AGRICULTURAL RESEARCH SERVICE (ARS) -----	1
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS) ---	2
DELAWARE COOPERATIVE EXTENSION SERVICE -----	4
FARMERS HOME ADMINISTRATION (FmHA) -----	8
FOREST SERVICE (FS) -----	12
SOIL CONSERVATION SERVICE -----	14
DELAWARE LAND USE CONTROL LAWS -----	20





## AGRICULTURAL RESEARCH SERVICE (ARS)

### PROGRAMS AVAILABLE IN DELAWARE

#### LAND USE

Agricultural Research Service is a principal research agency of the U.S. Department of Agriculture. ARS works in close cooperation with and provides research support to all USDA agencies in their land use activities. Illustrative of research underway applicable in Delaware to improve land use are:

1. Tillage practices and machines for improving soil properties, plant growth and farming systems.
2. Maintenance of soil fertility by use of fertilizers, crop residues, animal wastes, and better soil management practices.
3. Farm animal waste management.
4. Land recycling of municipal wastes.
5. Control or prevention of soil and water pollution from fertilizers and agricultural processing wastes.

#### SOIL AND WATER RESEARCH

##### *Objectives:*

1. To characterize the chemical composition of food processing effluents.
2. To ascertain the effects of such effluents on the chemical and physical properties of soils and the growth of plants.
3. To develop management practices that provide for safe handling of such waste waters.

For further information concerning the programs of the Agricultural Research Service, contact the following:

Dr. R. W. Hoecker  
Director, Chesapeake-Potomac Area  
Northeastern Region, ARS, USDA  
Room 359, Federal Building  
Hyattsville, Maryland 20782    Phone 301-436-8615



Dr. George A. Pearson  
USDA, ARS, Soil Management Research Unit  
R. D. 2, Box 600  
Laurel-Georgetown Highway  
Georgetown, Delaware Phone: 856-0046

## AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS)

### PROGRAMS AND ASSISTANCE AVAILABLE IN DELAWARE

#### RURAL ENVIRONMENTAL CONSERVATION PROGRAM (RECP)

*Purpose:* To encourage agricultural producers to install conservation and environmental improvement practices on their lands for the benefit of their lands and waters, the community, and the general public.

*Land Use Application:* Stimulates (by cost-sharing and technical aid) agricultural producers to use land and water resources and install treatment practices in such a way as to conserve soil, water, woodland, and wildlife and to prevent or abate agriculture-related pollution of water, air, or land.

#### FORESTRY INCENTIVES

*Purpose:* To motivate non-industrial private landowners of woodland areas, through the use of incentive payments, to reforest and practice multiple purpose management and to protect forest resources so as to provide for production of timber crops and related multiple use benefits.

*Land Use Application:* Use of cash incentives for establishment of specified woodland management conservation practices results in more responsible stewardship on non-industrial ownerships, plus an increased flow of timber products and public benefits through establishment and culture of timber stands. The program encourages greater use of private land for forest production purposes. This program should help stabilize ownership of forest lands.

#### EMERGENCY CONSERVATION MEASURES

*Purpose:* To control wind erosion or to rehabilitate farmlands damaged by natural disasters.



*Land Use Application:* Helps landowners (through cost-sharing and technical aid) to carry out emergency conservation measures to control wind erosion or to rehabilitate their lands by reestablishing conservation practices.

#### AERIAL PHOTOGRAPHY

*Purpose:* To provide photos and maps which illustrate existing patterns of land use. The photos assist in the accurate measurement of cropland acreage and indicate its uses; they implement the administration of compliance provisions of several USDA agricultural programs. Aerial photos are available for all counties in Delaware and periodic reflights keep the records current.

*Aerial photos are available for purchase at reasonable cost with a scale range from 1" = 1667 feet to as large as 1" = 200 feet.*

*Land Use Application:* Aerial photographs indicate land uses at the time of flight. Comparison of current photos and maps against previous maps of the same area gives a graphic record of changes in land use. State and local governments can employ the photos and maps in many land management and public works projects to establish administrative and other boundaries, construct reservoirs, improve watersheds, and install drainage structures, and other public facilities. Aerial photos serve as "instant" base maps in appraising damages from natural disasters such as earthquakes, floods, and major wild fires and in planning rehabilitation programs. Photos are also used by engineers for right-of-way determinations in building highways, pipelines, power lines, and other cross-country energy and traffic conduits involved in land use planning for community development.

For further information regarding programs and assistance available from the Agricultural Stabilization and Conservation Service, you may contact the following:

William H. Brady, State Executive Director  
Agricultural Stabilization and Conservation Service  
Chapel North Building, Suite 002  
62 North Chapel Street  
Newark, Delaware Phone: 731-1153

Lister V. Hall, County Executive Director  
Agricultural Stabilization and Conservation Service  
2319 South Dual Highway  
Dover, Delaware Phone: 697-3601





Benjamin H. Titus, County Executive Director  
Agricultural Stabilization and Conservation Service  
R. D. 2, Box 159  
Middletown, Delaware 19709 Phone: 378-9883

Donald W. Campbell, County Executive Director  
Agricultural Stabilization and Conservation Service  
P. O. Box 9  
Agricultural Center, Route 113  
Georgetown, Delaware 19947 Phone: 856-2116

DELAWARE COOPERATIVE EXTENSION SERVICE  
AGRICULTURAL EXPERIMENT STATION  
AGRICULTURAL HALL  
NEWARK, DELAWARE 19711 Phone: 738-2504

DR. SAMUEL M. GWINN, DIRECTOR

#### RESOURCES FOR LAND USE PLANNING

##### I. Bulletins, Studies, and Theses - College of Agricultural Sciences

Currey, William T., "The recreational development and potential of Delaware ponds and lakes." (1967)

Roenig, William P., "Socio-economic analysis of campers using Delaware's land and water resources." (1967)

Land Use Change in Delaware, 1930-1980, Univ. of Del. Ext. Circ. 130, February 1970, Gerald F. Vaughn.

Moore, Charles E., "Some Economic Aspects of Suburban Development: Their Influence on Infilling," Master's Thesis, June 1970.

"DAC Urges Balanced Forest Management Code," Gerald F. Vaughn and G. S. Marshall, Delmarva Report, Delmarva Advisory Council, July 1970.

"Extension's Part in Better Communities: A Case Study," Journal of Extension, Winter 1971, Gerald F. Vaughn.

Chicoine, David L., "A Profile of Delaware's Seasonal Home Occupants and Permanent Residents with Local Public Policy Implications," Master's Thesis, May 1971





"Extension Aids Planning and Zoning," Extension Service Review, Federal Extension Service, U.S. Dept. of Agr., May 1971, Gerald F. Vaughn.

Lewis, Allen R., "Some Environmental Situations and Costs Associated with Coastal Development in Sussex County, Delaware" Master's Thesis, May 1971.

Bateman, Arnold J. and Cole, Gerald L., "A Report on Private Campground Operations in Delaware, Maryland and Southeastern Pennsylvania," A. E. Pamphlet No. 56, October 1972, Univ. of Del.

Bateman, Arnold J., "A Management and Economic Analysis of Campgrounds in Delaware, Maryland and Southeastern Pennsylvania," Master's Thesis, June 1972.

"Agricultural Use of Land and Water," Gerald F. Vaughn and W.T. McAllister, in The Coastal Zone of Delaware, Governor's Task Force on Marine and Coastal Affairs, July 1972.

Gorman, Lewis E., "Evaluation of the Potential for Future Growth of the Campground Market in Delaware," M.S. Thesis, June 1973.

Facts about Zoning in Sussex County, Delaware, Frequent Questions and Answers, Daniel S. Kuennen, December 1973.

Meinen, Robert L., "An Analysis of Selected Economic Sectors of the Ocean Shore Coastal Zone of Delaware," M.S. Thesis, June 1974.

Okoh, Ekpe E., "The Changing Structure of Agriculture on the Delmarva Peninsula," M.S. Thesis, June 1974.

O'Mara, James P., "A Comparative Analysis of Suburban Growth in Delaware and Selected Counties in Maryland and Virginia," M.S. Thesis, June 1974.

## II. Theses - Other Colleges of the University of Delaware

Binkley, David W., "Recreation available in New Castle County, Delaware." (1969)

Carchedi, Guglielmo, "An analysis of a sample of mobile home dwellers in Kent County, Delaware." (1969)

Isabel, Lawrence J., "Location factors considered by residential developers in New Castle, County, Delaware." (1970)



Loessner, G. A., "Cost-benefit analysis as a public sector decision making tool." (1970)

Tremblay, Charles H., "A case study of investment decision making in the public sector: The White Clay Creek Dam and Reservoir." (1970)

Chao, James P., "Hydrologic study of sanitary landfill for New Castle County, Delaware." (1971)

Grunkemeyer, Gary L., "The effect of urbanization on runoff quantity." (1972)

McKee, Fred M., "Comprehensive marina plan for eastern Sussex County, Delaware." (1972)

Stegner, Steven R., "Analog model study of ground-water flow in the Rehoboth Bay area, Delaware." (1972)

#### Supplemental Publications

"Agriculture in Sussex County, Delaware: Characteristics, Recent Changes, and Associated Businesses," David L. Allred and Dennis K. Smith, May 1973.

"State of Delaware Report of State Farmland Evaluation Advisory Committee," William E. McDaniel, Ralph O'Day, Wesley Webb December 1974.

"A Profile of Delaware Campers," William P. Roenig and Gerald L. Cole, June 1968.

"Community and Resource Development in Delaware: Bibliography of University of Delaware Theses and Dissertations," Daniel S. Kuennen and Gerald F. Vaughn, November 1972.

"Community and Resource Development Through Group Process - A Group Guide for Action," Daniel S. Kuennen, March 1973.

"An Industrial Promotion Survey: A Guide for Your Rural Community's Development," Daniel S. Kuennen, March 1973.



### III. Expertise Available from the College of Agriculture

- Gerald Vaughn, Coordinator, Community and Resource Development.
- Dr. Gerald Cole, Associate Professor, Ag and Food Economics
- W. T. McAllister, Assistant Director, Cooperative Extension Service
- Daniel S. Kuennen, Area Agent, Community and Resource Development
- Robert Meinen, Research and Extension Rural Development Agent
- Leo Cotnoir, Associate Professor, Soil Science
- Dr. Roland Roth, Assistant Professor, Entomology
- Edward H. Schabinger, New Castle County Agricultural Agent  
Agricultural Hall  
University of Delaware  
Newark, Delaware 19711 Phone: 738-2506
- David H. Woodward, Kent County Agricultural Agent  
Wesley Church Educational Building  
P. O. Box 340  
Dover, Delaware 19901 Phone: 736-1448
- William H. Henderson, Sussex County Agricultural Agent  
University Substation  
Georgetown, Delaware 19947 Phone: 856-2553
- Willie G. Adams, Extension Agent  
Farm and Garden Improvement  
Limited Resources  
Delaware Cooperative Extension Service  
Delaware State College  
Dover, Delaware 19901 Phone: 678-5205
- Professor Ulysses S. Washington  
Head, Department of Agriculture and Natural Resources  
Delaware State College  
Dover, Delaware 19901 Phone: 678-4929





## FARMERS HOME ADMINISTRATION (FmHA)

### PROGRAMS AND ASSISTANCE AVAILABLE IN DELAWARE

#### FARMER LOANS

*Land Use Application:* Basic land use planning is involved in all farmer loan programs. The individual farm plan accompanying a loan provides for the orderly use of land to help the farmer achieve his objectives and at the same time improve and conserve the soil, water, and related natural resources while helping to prevent erosion and sedimentation of streams and lakes. Comprehensive land use planning in a community can have considerable influence on the future use of farmland in an area. USDA loan services can be more effective if they consider proposed or possible changes in land use suggested by community action. The purposes of the several kinds of USDA farmer loans are described below. The various land use applications described here apply to all loans listed. Professional advice and guidance in land use decisions is provided by the Soil Conservation Service.

#### Farm Ownership Loans

*Purpose:* To buy land; refinance debts; construct, repair or improve old buildings; improve farmlands; develop water facilities and establish farm-based business enterprises to supplement farming income.

#### Operating Loans

*Purpose:* To buy livestock, equipment, feed, seed, fertilizer, or supplies for farm operations; refinance debts or pay interest on them; pay depreciation on equipment; make minor real estate improvements; improve forest lands; and establish non-farm enterprises to supplement farm income.

#### Soil and Water Conservation Loans

*Purpose:* To finance land and water development measures, forestation, drainage of farmland, irrigation, pasture improvement, and related land and water use adjustments.

#### Recreational Loans

*Purpose:* To develop recreation areas including swimming, boating, and camping facilities.





### Irrigation and Drainage Loans

*Purpose:* To develop community irrigation, drainage, and other soil and water conservation and use facilities.

### Farm Emergency Loans

*Purpose:* To provide operating or living expenses and replace livestock and equipment needed to restore normal operations after severe loss from natural disaster. Repairs to homes, essential farm buildings, and related facilities are included.

## RURAL HOUSING LOANS

*Land Use Application:* Because of the large acreage of land used in programs for rural housing, business and industrial uses, and community services, as described in the following four types of rural housing loans, and because of the influence community services programs have on use of land surrounding their projects, it is essential to plan for location of projects in a manner to preserve good agricultural land and meet aesthetic and ecological standards. For these types of loans, the public organizations or agencies involved in comprehensive planning designate locations for new housing developments. Loans to builders and developers to finance housing and homesite development conform to an overall land use plan, which considers soil types and related factors. Such action is essential for orderly growth in developing rural areas. Proper and balanced land use is considered when planning the subdivision so that provision is made for green space and other amenities. Erosion control measures are established to prevent erosion during development of the subdivision including site preparation, road construction, drainage installations, and subsequent home construction.

### Individual Home Ownership Loans

*Purpose:* To buy, build, improve, or relocate home or farm service buildings; to buy building sites; to refinance certain debts.

### Rental and Cooperative Housing Loans

*Purpose:* To build, buy, improve or repair rental or cooperatively owned houses or apartments for independent living by senior citizens and low to moderate income families.



### Homesite Development Loans

*Purpose:* To buy and develop building sites for sale to low and moderate income families.

### Conditional Commitments to Builders

*Purpose:* To encourage quantity building in *rural areas* and to provide an orderly supply of quality housing in these areas.

## COMMUNITY SERVICES LOANS

*Land Use Application:* For the two community services loans described in the following text for water and waste disposal loans and other essential community facility loans, land use planning helps develop rural communities properly and determines the need for and location of basic facilities such as water and sewage systems.

### Central Water and Waste Disposal Loans

*Purpose:* To make available loans to construct community water, sanitary sewer, and solid waste disposal systems for communities and towns of up to 10,000 population.

### Other Essential Community Facility Loans

*Purpose:* To provide public agencies with fire halls and related equipment, multiple type community centers, ambulance services, industrial parks, etc., in communities and towns of up to 10,000 population.

## WATERSHED LOANS

*Purpose:* To loan an applicant funds to finance his share of projects needed to protect and develop land and water resources in small watersheds. Examples: flood control dams, reservoirs, irrigation canals, and easements.

*Land Use Application:* Influences land use in and around watershed projects provided by P.L. 566, which makes the surrounding land adaptable to more uses. Each project funded is subject to local land use plans.



## RESOURCE CONSERVATION AND DEVELOPMENT LOANS

*Purpose:* To conserve and develop natural resources. Loans must be for community benefit and contribute to the economic improvement of the area.

*Land Use Application:* Projects funded under this program have a direct influence on other land use; some affect large acreages outside the immediate project site. Each project is subject to local land use plans.

## BUSINESS AND INDUSTRIAL LOANS: GRANTS TO PUBLIC BODIES TO FACILITATE PRIVATE BUSINESS AND INDUSTRIAL DEVELOPMENT

*Purpose:* To provide for improving, developing, or financing business, industry, and employment opportunities and improving the economic and environmental climate in rural communities, including projects for pollution abatement and control.

The grant program assists local governments in providing essential facilities needed for business and industry to locate in their communities. Such items would include development, construction, or acquisition of land, buildings, access streets and roads, parking areas, utility extensions, and water systems and waste disposal facilities.

*Land Use Application:* Because business and industry consume large parcels of land and sometimes influence the use of land in the immediate surrounding area, land use planning provided for these loans is most important in placing industry properly within a community. The growing significance of industrial parks and the gradual expansion of suburban development into basically rural areas demand the utmost care in allocating compatible land uses to avoid serious conflicts between uses. Involved are erosion, disturbance of ecological condition, loss of property values, and disruption of social patterns.

You may obtain further information regarding programs, publications, and assistance available through the Farmers Home Administration in Delaware by contacting the following:

C. William Haines, Jr.  
State Director  
Farmers Home Administration  
153 Chestnut Hill Road  
Newark, Delaware

Phone: 731-8310

Mailing address: P. O. Box 1222





Ralph B. Johnson  
County Supervisor  
Farmers Home Administration  
2319 South Dual Highway  
Dover, Delaware 19901

Phone: 697-3294

W. Drew Clendaniel  
County Supervisor  
Farmers Home Administration  
Agricultural Center  
Route 113  
Georgetown, Delaware 19947

Phone: 856-2080

Mailing Address: P. O. Box 447

#### FOREST SERVICE (FS)

PROGRAMS AND SERVICES AVAILABLE IN DELAWARE (In cooperation with the Delaware State Forester, SCS, and ASCS)

#### SOIL-WOODLAND SITE INTERPRETATION AND EVALUATION

*Purpose:* To provide a practical correlation between soil types, timber growth capacity expressed as a woodland site index, soil related hazards and use limitations, cost effectiveness of certain woodland management practices, and the environmental impact of woodland conservation measures.

*Land Use Application:* Provides valuable information needed for making decisions related to future land uses. These data are vital in considering alternatives to managing an area as woodland, cost effectiveness of various measures, and the resulting environmental impacts.

#### FORESTRY INCENTIVES (State Forester provides technical assistance)

*Purpose:* To motivate non-industrial private landowners of woodland areas, through the use of incentive payments, to reforest and practice multiple purpose management and to protect forest resources so as to provide for production of timber crops and related multiple use benefits.

*Land Use Application:* Use of cash incentives for establishment of specified woodland management conservation practices results in more responsible stewardship on non-industrial ownerships, plus an





increased flow of timber products and public benefits through establishment and culture of timber stands. The program encourages greater use of private land for forest production purposes. This program should help stabilize ownership of forest lands.

#### TREE PLANTING AND REFORESTATION

*Purpose:* To assist states in undertaking needed programs of tree planting and other forestation work to help assure an adequate future supply of timber for industrial purposes.

*In Delaware Christmas tree seedlings and seedlings for wildlife plantings are provided to those desiring to make land use changes in this field, through the State Forester of the Delaware Department of Agriculture.*

*Land Use Application:* Improves multiple use benefits from forest lands that are not adequately stocked with tree growth.

#### COOPERATIVE FOREST MANAGEMENT

*Purpose:* To improve and maintain the productivity of privately owned forest lands by providing technical management and marketing assistance to landowners and wood processors, directly or cooperatively through state foresters.

*Land Use Application:* Assures that landowners who wish to maintain woodland areas for timber production and multiple use benefits can obtain needed conservation assistance. Helps provide environmental protection and improves forest lands.

#### FOREST PEST CONTROL

*Purpose:* Through cooperative federally sponsored programs, to reduce to tolerable levels timber losses caused by forest insects and diseases on state and private forest lands.

*Land Use Application:* Salvage harvests and direct control measures, applied with environmental considerations, will protect watersheds, improve wildlife habitat, benefit recreation, and protect timber and grazing resources. Such treatment is particularly desirable when epidemic attacks occur.



## URBAN AND COMMUNITY FORESTRY

*Purpose:* To preserve, protect, and improve the park and woodland areas, individual trees, and associated woody plants growing in urban and rural communities, in order to create a more attractive and healthful environment in which people can live, work, and play.

*Land Use Application:* Assists in planning and carrying out conservation practices which affect land uses in open space, greenbelts, and in established community parks and forests occurring in residential, commercial, and industrial zones. Provides technical advice to residential property owners with problems relating to individual trees.

You may obtain further information regarding programs and assistance available through the Forest Service in Delaware by contacting the following :

Samuel P. Shaw  
USDA, Forest Service  
NE Area, State and Private Forestry  
6816 Market Street  
Upper Darby, Pennsylvania 19082      Phone: 215/352-5800

Walter F. Gabel  
State Forester  
State Agriculture Building  
P. O. Drawer D.  
Dover, Delaware 19901      Phone: 678-4820

SOIL CONSERVATION SERVICE (SCS)

PROGRAMS AND ASSISTANCE AVAILABLE IN DELAWARE

### SOIL SURVEYS

*Purpose:* To determine the potentials and use limitations of the soil resources and the physical and chemical properties of soils; classify unique soil types and locate their boundaries on maps; assemble data on soil behavior from research and field experience; predict the behavior of soils for specified land uses; and publish soil survey maps.

*Complete published soil survey reports are available for all counties in Delaware.*



*Land Use Application:* Appraises the effects of alternative land uses on the environment and on the net productivity of the land resources; evaluates soil hazards and suitability for: (a) farm and rural uses such as selection of kinds and varieties of crops, management practices, and yield predictions; (b) non-farm uses including location, design, and expected performance of local roads, streets, low buildings, septic tank filter fields, sewage lagoons, sanitary landfills, and reservoirs; (c) forestry, recreation, and wildlife uses; (d) location of source material for gravel, sand, topsoil, and roadfill; (e) miscellaneous non-farm uses including shopping centers, housing subdivisions, and industrial parks.

#### WATERSHED SURVEYS AND INVESTIGATIONS

*Purpose:* To inventory present uses and determine potential future uses of land and water resources, which include identification of (a) resource problems and possible solutions; (b) the natural resource base and environmental setting; (c) the economic base; (d) opportunities for economic and environmental enhancement; and (4) potentials for assistance from public programs.

*Land Use Application:* Provides basic information and alternative plans for using land and water resources within their capabilities and potentials. State agencies can consult reports from river basin studies in preparing their state water plans. Local people can coordinate data from these reports for such purposes as (1) implementing land and water resource programs (2) developing recreational and environmental stream-corridor systems as parts of land use plans, and (3) identifying areas that have flood hazards.

#### WATERSHED PROTECTION AND FLOOD PREVENTION

*Purpose:* To provide technical and financial assistance to sponsoring local organizations for planning and installing flood prevention projects on watersheds not exceeding 250,000 acres in size; to conserve, develop, utilize, and dispose of water in an orderly manner; and to conserve and properly utilize land.

*Work Plans are available for the Upper Nanticoke River, Marshyhope Creek, and Upper Choptank River Watersheds.*

*Land Use Application:* Permits more effective utilization of land resources within their full land use capabilities by reducing, eliminating, or controlling destructive influences.





## WASTE DISPOSAL

*Purpose:* To provide workable field guides for rating the limitations of identified soil types on lands proposed for use as waste disposal sites; and to develop management systems for disposing of agricultural wastes.

*Land Use Application:* Assures proper selection of soils suited for waste disposal sites to avoid pollution of streams and ground water and to avoid excessive buildup of heavy metals or other toxic substances in the soils; achieves waste disposal objectives; aids the planning and design of waste management system components for treatment, utilization, or disposal of wastes, recognizing soil, climate, crop, and operational limitations.

## CONSERVATION NEEDS INVENTORY

*Purpose:* To conduct and maintain a current inventory of land use categories and their requirements for soil and water conservation treatment.

*Land Use Application:* Makes available to communities, citizens, industrial and commercial concerns, and planners reports which provide accurate information on the acreage and conservation condition of cropland, pasture, forest, and other lands. Included is an inventory of watersheds indicating those potentially feasible for development under the Watershed Protection and Flood Prevention Act (PL-566); a sophisticated, automatic data processing retrievable program also is available.

*Published Conservation Needs Inventory for the State of Delaware is available.*

## CONSERVATION OPERATIONS

*Purpose:* To provide technical assistance to individuals and groups of individual land users in carrying out locally adapted soil and water conservation programs based on soil surveys and land capability interpretations through the Conservation District in each county, organized under Delaware State Law.

*Publications available, which would be helpful include:*

*The Delaware Drainage Guide  
Soil and Water Conservation for Urbanizing Areas in Delaware  
You Benefit from Drainage in Delaware*





*Land Use Application:* Provides for collecting, inventorying, evaluating and interpreting soil, water, and related resource data on individual farms or groups of land units for use in long range planning. Provides for consultation with planners on conservation activities relating to land use plans. Assistance is given to Conservation District cooperators in the form of an individual conservation plan, which may include a soil survey and land use capability map, woodland suitability map, and specific agronomic, pasture management, and wildlife management recommendations. Conservation plans provide direction in implementing land use and treatment decisions. Technical assistance is provided to implement recommendations in these plans. Conservation Districts have broad authority to include towns and cities within their boundaries.

#### RIVER BASIN STUDIES

*Purpose:* River Basin studies carried on cooperatively with states and other federal agencies are conducted to analyze the problems, needs, and opportunities for water and related land resources and thereby provide a guide for the conservation, development, and utilization of these resources in an efficient and timely manner. Such planning provides the basis for well considered decisions among alternative uses of the resources .

*Delaware is included in the Delmarva River Basin Study currently in progress.*

*Land Use Application:* River Basin studies analyze and project the agricultural, forestry, and related economics of river basins, including the use of land and water. Land use is determined for the present and projected up to 50 years in the future for such categories as cropland, pasture, forest, urban, and other categories. Specialized areas such as floodplains and wetlands are also identified. Consequently, such studies indicate certain lands which have special problems or environmental values. The also reveal the present and long range needs for land for urban, forestry, agricultural, transportation, and other purposes. The studies can be used to evaluate the alternative land use possibilities for meeting present and future needs.

#### RESOURCE CONSERVATION AND DEVELOPMENT (RC&D)

*Purpose:* To expand the economic opportunity for people in a given area by assisting them in developing and carrying out action plans for conservation, improvement, development, and wise use of natural resources by providing technical, financial, and loan assistance.

*The First State RC&D Project Plan, which covers the entire State of Delaware, has been approved for operations. Copies of the project plan are available.*



*Land Use Application:* This program directly involves land use plans since the plan of action is coordinated with any state and local government plans. Inventories and evaluations can be provided through the Resource Conservation and Development Program to assist in land use planning. Cost sharing and loans can be used to help implement certain features of land use plans dealing with water-based recreation and wildlife, conservation, sediment control, and other authorized improvements.

#### OUTDOOR CLASSROOMS FOR ENVIRONMENTAL STUDIES

*Purpose:* To provide opportunities for children and adults to understand principles of land and resource management that are important in efforts to improve the quality of the environment.

*A booklet "Developing Your Own Environmental Classroom" has been published by the Soil Conservation Service in Delaware in cooperation with the Department of Public instruction. It is available upon request.*

*Land Use Application:* Demonstrates principles of good land use and management on locally owned public land. Involvement of the community in design and development of outdoor classrooms gives citizens firsthand experiences with resources and their management. These experiences are applicable in making land use choices and resource management decisions necessary for effecting environmental improvements in the community.

#### OUTDOOR RECREATION

*Purpose:* To promote research that determines demand for various kinds of recreational facilities, criteria for site selection, methodology for operating recreation facilities, and estimating management needs and visitor preference for and attitudes about recreation facilities. To conduct educational programs on creative uses of leisure time in outdoor activities.

*Published Recreation Potentials are available for each county in Delaware. There is also a published Summary of County Appraisals. All of these may be obtained upon request.*

*Land Use Application:* Guides management in meeting increasing pressure for use of more recreation resources. Methods of operation are enhanced and land use is made more efficient. Educational programs help citizens enjoy recreational land while enhancing and preserving it for future generations.



You may obtain further information regarding programs, publications, and assistance available through the Soil Conservation Service by contacting the following:

Otis D. Fincher, State Conservationist  
Treadway Towers, Suite 2-4  
9 E. Loockerman Street  
Dover, Delaware 19901 Phone: 678-0750

Frederick T. Mott, District Conservationist  
Soil Conservation Service  
2319 South Dual Highway  
Dover, Delaware 19901 Phone: 697-3119

David A. Nash, District Conservationist  
Soil Conservation Service  
421 Harmony Street, Room 102  
New Castle, Delaware 19720 Phone: 328-5517

Richard P. Bennett, District Conservationist  
Soil Conservation Service  
P. O. Box 50  
Agricultural Center, Route 113  
Georgetown, Delaware 19947 Phone: 856-7381





DELAWARE LAND-USE CONTROL LAWS 1/

1. Municipal Zoning Regulation

Date Enacted: 1923; amended 1935, 1970

Statute: 22 Del. C. 301 to 331

Administered by: municipal legislative officials, board of adjustment

Summary: Authorizes municipal legislative officials to adopt, amend and enforce a zoning ordinance for the purpose of promoting the health, safety, morals, and general welfare of the community. The ordinance must be in accordance with an adopted comprehensive plan.

Once an ordinance has been adopted, the legislative officials are required to appoint a board of adjustment to hear appeals and, in special cases, to grant variances to the ordinance.

2. Tax Exemption for Forest Plantations

Date Enacted: 1935; amended 1970

Statute: 7 Del. C. 3501 to 3508

Administered by: State Forester (Department of Agriculture),  
County Board of Assessment

Summary: Any landowner who establishes a commercial forest plantation (of at least 5 acres, excluding stands of trees taller than 5 feet [except those left as seed trees] and excluding nurseries) and otherwise complies with the provisions of this act shall be entitled to a 30-year exemption from county property taxes on such plantation. After the landowner has applied for the forest plantation classification and the State Forester has approved the classification, the County Board of Assessment is directed to remove the land from the list of assessable property for the exempt period.

If the landowner voluntarily removes his land from the exempt status or, if the State Forester recommends its removal because of a violation of this act's provisions, back taxes become due and payable by the owner.

The provisions of this law have not been widely used.

1/ Source: Delaware Code Annotated (Edward Thompson Co., Brooklyn, N.Y., and West Publishing Co., St. Paul, Minn.). Supplements include laws passed through the 1972 general assembly.





### 3. Conservation Districts

Date Enacted: 1943; amended 1963, 1966, 1970

Statute: 7 Del. C. 3901 to 3912

Administered by: Board of District Supervisors, Department of  
Natural Resources and Environmental Control

Summary: Authorizes the formation of conservation districts along county lines and the establishment of a board of district supervisors to govern such districts. The board of district supervisors, under the general supervision of the Department, is authorized to plan and carry out measures to prevent soil erosion, to control floodwater and sediment damage, and to establish other programs to conserve, develop, and utilize land and water resources within the district.

The board of district supervisors also has a role in administering "tax ditches" (see No. 4 below, 7 Del. C. 4101 to 4194).

A 1963 amendment granted the New Castle County Conservation District authority to assist urban and suburban landowners on their drainage problems through the organization of voluntary organizations known as "public ditches". These are different from tax ditches.

### 4. Drainage of Land - Tax Ditches

Date Enacted: 1951; amended 1953, 1955, 1966, 1968, 1970, 1971

Statute: 7 Del. C. 4101 to 4194

Administered by: Board of District Supervisors, State Drainage Engineer, Department of Natural Resources and Environmental Control, Board of Ditch Commissioners, resident Associate Judge, County Superior Court, Board of Assessment, Receiver of Taxes, and County Treasurer, ditch managers.

Summary: Declares it state policy and to be of public benefit to drain and prevent flooding of low, wet, swampy, or overflowed land or land subject to overflow.

The act establishes a uniform drainage law for the state by providing a procedure for the establishment, financing, administration, and maintenance of "tax ditch" organizations.



One or more persons desiring to drain or protect their land from flooding may petition the County Superior Court for the purpose of forming a "tax ditch". The tax ditch proposal may be approved or denied following an elaborate procedure calling for public hearings and involving numerous state and county officials. If approved, the operation is financed by taxes levied on landowners within the district and administered by elected ditch managers.

5. "Delaware River Basin Compact" - Flood Plain Zoning

Date Enacted: 1961

Statute: 7 Del. C. 6501 to 6513

Administered by: Delaware River Basin Commission (signatory states include Delaware, Pennsylvania, New Jersey, and New York)

Summary: Authorizes the Commission to study and determine the nature and extent of the flood plains of the Delaware River and its tributaries and, on the basis of such studies, to classify land and establish standards for flood plain use. Prior to the adoption of such regulations, the Commission is required to hold public hearings.

6. Subdivision Regulation - New Castle County

Date Enacted: 1965; amended 1970

Statute: 9 Del. C. 3001 to 3012

Administered by: Levy Court of New Castle County, Regional Planning Commission of New Castle County

Summary: Authorizes the Regional Planning Commission of New Castle County to adopt subdivision regulations. The Commission may regulate the subdivision of all lands in the county outside the boundaries of cities and towns. Prior to the adoption of such regulations, public hearings must be held and the regulations must be approved by the County Levy Court.

7. Planning and Subdivision Regulations - All Counties

Date Enacted: 1967

Statute: 9 Del. C. 1341 to 1353

Administered by: County Department of Planning, County Planning Board, County Council, County Executive, Board of Adjustment



Summary: Authorizes counties to prepare master plans and to formulate and adopt regulations governing the subdivision of land within their jurisdiction. To carry out these provisions each county is authorized to establish a Department of Planning and a Planning Board.

8. Zoning Regulation - Sussex County

Date Enacted: 1967

Statute: 9 Del. C. 6901 to 6923

Administered by: Levy Court of Sussex County, County Planning and Zoning Commission of Sussex County, Sussex County Board of Adjustment

Summary: Authorizes the Levy Court of Sussex County to appoint a five-member County Planning and Zoning Commission for the purpose of formulating and administering a zoning ordinance. The ordinance must be in accordance with the County Comprehensive Development Plan. If, following a public hearing, the ordinance is approved by the Levy Court, it becomes law.

Once an ordinance has been adopted, the Levy Court must appoint a Board of Adjustment to hear appeals and, in special cases, to grant variances to the ordinance.

9. Approval of Subdivisions, Plats, and Land Development Plans - Kent County

Date Enacted: 1967; amended 1968

Statute: 9 Del. C. 4810 to 4812

Administered by: Regional Planning Commission of Kent County, Levy Court of Kent County

Summary: Requires all plats and subdivisions to be approved by the Commission and the Levy Court of Kent County before such development is recorded by the Recorder of Deeds. Prior to proceeding with land development, such plans must have the approval of the Levy Court.

10. Zoning Regulation - Kent County

Date Enacted: 1967

Statute: 9 Del. C. 4901 to 4923

Administered by: Levy Court of Kent County, Kent County Zoning Commission, Kent County Board of Adjustment





Summary: Authorizes the Levy Court of Kent County to appoint a five-member Zoning Commission for the purpose of formulating and administering a zoning ordinance. A proposed ordinance must be approved by the Levy Court before it may become law.

Once an ordinance has been adopted, the Levy Court is required to appoint a Board of Adjustment to hear appeals and, in special cases, to grant variances to the ordinance.

#### 11. Farmland Assessment Act

Date Enacted: 1968; amended 1970, 1973

Statute: 9 Del. C. 8330 to 8331-D

Administered by: District Tax Assessor, State Forester (Department of Agriculture), State Farmland Evaluation Advisors Committee (Department of Agriculture)

Summary: Upon application by the owner and approval by the assessor qualified agricultural, horticultural, or forest land (forest land approval is by the State Forester) may be assessed for property tax purposes on the basis of its current use value rather than at its highest and best value. The owner must apply annually on forms prescribed by the State Farmland Evaluation Advisors Committee. The Committee is directed to annually prepare and make available to assessors ranges in value for agricultural, horticultural, and forest uses based on the land's productive capabilities.

A 1973 amendment added a 2-year roll-back provision.

#### 12. "Coastal Zone Act"

Date Enacted: 1971

Statute: 7 Del. C. 7001 to 7013

Administered by: State Planner (State Planning Office), State Coastal Zone Industrial Control Board, municipal zoning authority.

Summary: Strictly prohibits the construction of new "heavy industry" (i.e., oil refineries, chemical plants, basic steel manufacturing plants, etc.) within a two-mile-wide strip along the coast defined as the "coastal zone". Offshore unloading facilities are also banned. The construction of new manufacturing plants (not heavy industry) or the expansion of existing such facilities is allowed by permit only.

Applications for manufacturing use permits are submitted to the State Planning Office and must be accompanied by: (1) evidence of approval



By the appropriate county or municipal zoning authority, (2) a description of the proposed activity, and (3) an environmental impact statement. Within 90 days after receiving an application, the State Planner is directed to either grant the request, deny it, or grant the request with modifications.

Anyone aggrieved by a decision of the State Planner may appeal such decision to the State Coastal Zone Industrial Control Board created by this act. The Board has the power to affirm, reverse, or modify a decision, except that it may not permit new heavy industry.

The penalty for violating any provision of this act shall be a fine of not more than \$50,000.

13. "The Wetlands Act" 2/

Date Enacted: 1973

Statute: 7 Del. C. 66

Administered by: Secretary of the Department of Natural Resources  
and Environmental Control, Wetlands Appeal Board

Summary: Declares it to be public policy to preserve and protect the state's wetlands in a manner consistent with the historic right of private ownership. Wetlands are coastal areas between mean low tide and two feet above mean high tide, which are capable of growing certain specified indicator plants, and inland wet areas as identified by the Secretary.

Directs the Secretary to prepare a map of all the wetlands in the state. Following a public hearing, the Secretary may adopt the map and regulations to control wetland use.

Prohibits anyone from dredging, filling or conducting other regulated activities on any wetland without first applying for and obtaining a permit from the Secretary. A description of the proposal must accompany the application. After following a specific procedure, the Secretary may issue or deny the permit.

A decision of the Secretary may be appealed to the Wetland Appeals Board.

2/ Session laws of Delaware, 1973, Vol. 59, Ch. 213.

COMPILED BY LESLIE C. HYDE for the October 2-4, 1974, Conference on  
Rural Land Use Policy in the Northeast





